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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,595	06/22/2006	Takahiro Nagaoka	033010-107	1363

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BUCHANAN, INGERSOLL & ROONEY PC  
POST OFFICE BOX 1404  
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EXAMINER
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BONK, TERESA

ART UNIT	PAPER NUMBER
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3725

NOTIFICATION DATE	DELIVERY MODE
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08/22/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/550,595	<b>Applicant(s)</b> NAGAOKA ET AL.	
	<b>Examiner</b> TERESA BONK	<b>Art Unit</b> 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/23/05 7/19/06 1/3/07</u> .                                  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Specification***

The abstract of the disclosure is objected to because it is more than a single paragraph and over 150 words. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regards to claim 1, there is insufficient antecedent basis for these limitations: “the amount (of rotation)” and “the number (of second to-be-detected portions).”

With regards to claim 2, there is insufficient antecedent basis for these limitations: “the amount (of rotation),” “the number (of second to-be-detected portions),” “the first detecting means,” “the amount of feeding,” and “the twisting torque.”

With regards to claim 4, there is insufficient antecedent basis for this limitation: “the second to-be-detected portions.”

With regards to claim 5, there is insufficient antecedent basis for this limitation: “the reel main body.”

With regards to claim 6, there is insufficient antecedent basis for this limitation: “the type (of the wire reel).”

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With regards to claim 8, there is insufficient antecedent basis for these limitations: “the amount (of rotation),” “the number (of to-be-detected portions),” “the detected amount (of rotation),” and “the type (of wire reel).”

With regards to claim 9, there is insufficient antecedent basis for this limitation: “the identified type (of the wire reel).”

With regards to claim 10, there is insufficient antecedent basis for these limitations: “the amount (of rotation),” “the number (of second to-be-detected portions),” “the detected amount (of rotation),” and “the type (of wire reel).”

These are merely examples and not meant to be an all inclusive list of the limitations lacking antecedent basis.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5-11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al. (US Patent 5,279,336) in view of Hanagasaki et al. (US Patent 5,515,887).  
Ishikawa et al. discloses a reinforcing bar binder comprising a storing chamber (105 or 205) provided in a main body of the reinforcing bar binder for mounting a wire reel (106 or 206) around which a wire (b) for binding a reinforcing-bar (a) is wound (Column 6, lines 9-11), the wire is twisted for binding a reinforcing bar after it is wound around the reinforcing bar; wherein

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said storing chamber is provided with a first detector/contact type sensor (117) for detecting the amount of rotation of said wire reel.

With regards to claims 5-7 and 14, Ishikawa et al. discloses wherein the reel main body is provided with first to-be-detected, convex portions (magnets 116) which are detected by a first, contact-type detector in the reinforcing bar binder (Column 4, lines 35-45).

Ishikawa et al. discloses the invention substantially as claimed except for a second detector for detecting the number of second to-be-detected portions on said wire reel; the binder main body is provided with a controller for controlling the amount of feeding of the wire or the twisting torque on the wire depending on the number of the second to-be-detected portions detected by the second detector to identify the wire reel; the second detector is a non-contact type sensor and the second to-be-detected portions are marks which are detected by the non-contact type sensor. Hanagasaki et al. discloses a reinforcing bar binder comprising for a second detector (22) for detecting the number of second to-be-detected portions (17, Column 5, lines 17-18) on said wire reel; the binder main body is provided with a controller (23) for controlling the amount of feeding of the wire or the twisting torque on the wire depending on the number of the second to-be-detected portions detected by the second detector to identify the wire reel (Column 4, lines 15-25); the second detector is a non-contact type sensor (optical sensor) and the second to-be-detected portions are marks (Figure 3) which are detected by the non-contact type sensor. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Ishikawa with a second detector "in order to simplify the process for determining when the supply of wire has been exhausted and for bringing the binding operation to a stop" as stated by Hanagasaki et al. on Column 1, lines 25-27.

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***Allowable Subject Matter***

Claims 3-4 and 12-13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TERESA BONK whose telephone number is 571-272-1901. The examiner can normally be reached on M-F 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Derris H Banks/  
Supervisory Patent Examiner, Art Unit 3725

Teresa M. Bonk  
Examiner  
Art Unit 3725

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